

CHAPTER TWO

ENVIRONMENTAL REVIEW REQUIREMENTS MONITORING AND COMPLIANCE REVIEW

General Instructions to Monitoring Staff:

Most of the tasks involved in monitoring the grantee's compliance with Environmental Review (ER) requirements will take place "in-house" at the beginning of the grant term, through review of submissions forwarded by the grantee. Any issues and concerns identified during this in-house review of the grantee's compliance with the ER requirements should be noted on the Environmental Review Requirements – Summary Page for Monitoring and Compliance Review found at the end of this chapter.

In addition, when the DHCD staff goes on-site as part of its other monitoring activities, the Lead Reviewer (or another designated DHCD staff member) must ensure that the grantee is continuing to maintain its Environmental Review records. At that time, if there has been a change in the scope of the project, the Lead Reviewer (or designated DHCD staff) must confirm that any necessary Environmental Review steps have been taken. (For specific instructions and questions for this on-site review, see Chapter Three, General Project Management and Record-keeping.)

A. GENERAL INFORMATION

Date(s) of In-house Review: _____

Grantee/Project Name: _____ Program Year: _____

Grant #: _____ Grant Term: _____

Additional Instructions to Monitoring Staff:

1. In assessing Environmental Review compliance, DHCD staff must first determine if the activity or project to be undertaken is "exempt", "categorically excluded", or "requires full assessment." *Exempt activities*, which are identified in 24 CFR 58.34, include such activities as planning studies, engineering or design, administrative costs, technical assistance, and public services affecting only the social or economic environment, where no facilities, construction or public improvements are involved. *Categorically excluded activities* are those identified in 24 CFR 58.35, which do not involve new construction, do not change land use, and do not increase building density by more than 20 percent. *Full assessment activities* are those that are neither exempt nor categorically excluded.
2. Depending on the ER category of the proposed project or activity (that is, whether it is "exempt", "categorically excluded", or "requires full assessment"), the grantee must follow a series of specified action steps in order for the Maryland DHCD staff to issue a Release of Funds (ROF) and for the project to proceed. These action steps are outlined in the checklist which follows in this chapter. In assessing ER compliance, DHCD staff must determine that the grantee followed all applicable steps for the category of activity being undertaken. (NOTE: For more details on these action steps, see Chapter 5 of *Keys to Success: Guidebook for the Maryland CDBG Program*.)

B. ENVIRONMENTAL REVIEW REQUIREMENTS

<p style="text-align: center;">ENVIRONMENTAL REVIEW CHECKLIST</p> <p>(See 24 CFR 58; last revised on 4/30/96, 3/30/98; see also Section 4b and Exhibits D and E of the Grant Agreement)</p>	<p style="text-align: center;">Exempt Activities</p>	<p style="text-align: center;">Categorically Excluded Activities</p>	<p style="text-align: center;">Full Assessment Activities</p>	<p style="text-align: center;">Comments:</p>
<p>Citation: 24 CFR 58.18(a)(1)(i): Requires that states develop a monitoring and enforcement program for post review actions on environmental reviews and monitor compliance with other environmental review conditions of the grant.</p> <p>1. Knowledge of requirements: Does the grantee demonstrate sufficient knowledge of applicable environmental requirements?</p>	<p>Yes No</p>	<p>Yes No</p>	<p>Yes No</p>	
<p>2. Certifying Officer: Does the grantee have a designated environmental certifying officer?</p>	<p>Yes No</p>	<p>Yes No</p>	<p>Yes No</p>	
<p>Citation: 24 CFR 58.38: Grantee must maintain a written Environmental Review record.</p> <p>3. ERR: Did the grantee submit an Environmental Review Record (ERR) containing appropriate findings, agency and public comments, copies of notices, etc.?</p>		<p>Yes No</p>	<p>Yes No</p>	
<p>4. Notification of Other Agencies: Did the grantee send to MHT and (for non-Exempt Activities) to Dept. of Natural Resources (DNR), and Maryland Dept. of Environment a project description, environmental screening letter, map of site location, and contact information?</p> <p>Citation: 36 CFR 800 (latest revision 5/18/99): Requires grantees to consult with State Historic Preservation Officer to determine whether any properties to be assisted could be declared historic or in a historic district.</p>	<p>Yes No</p>	<p>Yes No</p>	<p>Yes No</p>	
<p>5. Statutory Checklist: Did the grantee complete the Statutory Checklist indicating areas of statutory/regulatory compliance?</p>		<p>Yes No</p>	<p>Yes No</p>	

<p style="text-align: center;">ENVIRONMENTAL REVIEW CHECKLIST</p> <p>(See 24 CFR 58; last revised on 4/30/96, 3/30/98; see also Section 4b and Exhibits D and E of the Grant Agreement)</p>	<p style="text-align: center;">Exempt Activities</p>	<p style="text-align: center;">Categori- cally Excluded Activities</p>	<p style="text-align: center;">Full Assess- ment Activities</p>	<p style="text-align: center;">Comments:</p>
<p>6. Environmental Assessment: Did the grantee complete an Environmental Assessment Checklist? Date: _____</p>			<p>Yes No</p>	
<p>7. Narratives: Did the grantee complete narratives as applicable?</p>			<p>Yes No</p>	
<p>8. NOI/RROF: Did the grantee publish a "Notice of Intent to Request Release of Funds" (NOI/RROF) in newspaper? Date of NOI/RROF: _____</p>		<p>Yes No</p>	<p>Yes No</p>	
<p><i>Citation: 24 CFR 58.43: If grantee makes a FONSI, it must minimally send the notice to individuals or groups known to be interested in the activities, as well as local media and the appropriate State and Federal entities.</i></p> <p>9. Publication of FONSI: Was a Finding of No Significant Impact (FONSI) published in a newspaper or posted? Date of Publication of FONSI: _____</p>			<p>Yes No</p>	
<p>10. Distribution of Public Notice: Did grantee send to the State Clearinghouse, DNR and MHT a copy of public notice w/ transmittal letter?</p>		<p>Yes No</p>	<p>Yes No</p>	

<p style="text-align: center;">ENVIRONMENTAL REVIEW CHECKLIST</p> <p>(See 24 CFR 58; last revised on 4/30/96, 3/30/98; see also Section 4b and Exhibits D and E of the Grant Agreement)</p>	<p style="text-align: center;">Exempt Activities</p>	<p style="text-align: center;">Categori- cally Excluded Activities</p>	<p style="text-align: center;">Full Assess- ment Activities</p>	<p style="text-align: center;">Comments:</p>
<p>Citation: 24 CFR 58.71: Grantees must send RROF and Certification to HUD or State Certifying Officer for execution.</p> <p>11. Request for Release of Funds (RROF):</p> <p><u>For Exempt Activities:</u> Did grantee send to the State CDBG Environmental Officer a Certificate of Exempt Activity, Request for Release of Funds (RROF), and copy of MHT Project Notification Letter?</p> <p><u>For All Other Activities:</u> Did grantee send to the CDBG Environmental Officer the RROF and ERR following publication of the NOI/RROF?</p> <p>Date of RROF: _____</p>	<p>Yes No</p>	<p>Yes No</p>	<p>Yes No</p>	
<p>12. ROF: Did the CDBG Program approve the RROF? Date of ROF: _____</p> <p><i>Note: If any issues arose in approving the RROF, please note either in Comments column of this checklist or on the Environmental Review Requirement – Summary Page for Monitoring and Compliance Review that follows.</i></p>	<p>Yes No</p>	<p>Yes No</p>	<p>Yes No</p>	

ENVIRONMENTAL REVIEW REQUIREMENTS
SUMMARY PAGE FOR MONITORING AND COMPLIANCE REVIEW

Instructions to Monitoring Staff:

Please describe any issues arising from the questions in the preceding checklist. Describe any issues warranting further review and/or discussion with grantee's staff. For any issue identified during the review, provide amplification, as necessary, and specify corrective actions the grantee must take to resolve issue(s). Describe the nature of any technical assistance provided during the review. List any follow-up action for the Maryland DHCD staff and/or the grantee, along with dates by which such actions must be taken.

Local Staff Interviewed:

Name:	Title:	Location:	Date(s) of Interview:	Telephone #/e-mail:
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Issues/Concerns/Findings (and Relevant Citations):

Necessary Action Steps and/or Resolution (and Deadlines):

Based on the evidence reviewed, has the grantee complied with appropriate environmental requirements? Yes No

Maryland DHCD Staff Conducting Review: _____

Date Review Completed: _____